

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**RICHARD RIDPATH,
JOHN JANTZON and
AUGUSTIN RIOS,**

Defendants.

8:08CR61

ORDER

This matter is before the court on the motion for an extension of time by defendant Augustin Rios (Rios) (Filing No. 25). Rios seeks an additional forty-five days in which to file pretrial motions in accordance with the progression order (Filing No. 12). Rios's counsel represents that Rios will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and the pretrial motion deadline will be extended **as to all defendants**. Trial of this matter will be rescheduled following the disposition of any pretrial motions.

IT IS ORDERED:

Defendant Rios's motion for an extension of time (Filing No. 25) is granted. **All defendants** are given until **on or before May 27, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 8, 2008 and May 27, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 8th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge